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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,669	11/02/2000	Norbert Kunze	PHD 99.027	9123

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04/23/2003

Philips Electronics North America Corporation
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EXAMINER

NGUYEN, DZUNG C

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 04/23/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

1

Office Action Summary

Application No.

09/674,669

Applicant(s)

KUNZE ET AL.

Examiner

Dzung C Nguyen

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. Applicant's preliminary amendment, filed on 2/6/01, has been received and entered.
3. Claims 1-5 are presented for examination.

Claim Objections

4. Claim 3 is objected to because of the following informalities: the phrase "a control element" should read "a control member" for consistency. Appropriate correction is required.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the device for playing and storing several disc-shaped data carriers, a playback unit, a base plate, a frame plate, a turn table, a tensioning device, a stacking unit, and a loading unit must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 U.S.C. § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the switching-over operation" lines 12-13. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the first output side" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the spring force" in line 5, "the contact force" in line 8, "the switching-over operation" lines 12-13. There are insufficient antecedent basis for these limitations in the claim.

Claim 4 recites the limitation "the coupling region" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the result" in line 5, and "the switching-over operation" lines 5-6. There is insufficient antecedent basis for this limitations in the claim.

Claims 1, 2, and 5, recite the phrase "can be", claim 1 in line 11, claim 2 in line 2, and claim 5 in line 4, which is vague and indefinite because it does not recite the positive limitation.

In addition, the term "may be or can be" etc...is vague and indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention or not, and the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

Claim Rejections - 35 U.S.C. § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

9. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Lee, US patent (5,313,351) cited by applicant.

Regarding claim 5, Lee teaches a changing gear [fig 1], in particular for a device for playing and storing several disc shaped data carriers [col. 2 lines 29], wherein said changing gear has two alternate drive outputs [8 and 21], the first drive output [8] being designed inter alia for the function of adjusting a control member [16] which can be moved further from an extreme position of the first drive output [8] by means of a further drive [e.g, 21] the result that an adjustment member [16-19] carries out a switching-over operation [open/shut the door](col. 2 lines 53-58).

10. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Ikedo, US patent (6,151,279).

Regarding claim 5, Ikedo et al teach a changing gear [fig 3], in particular for a device for playing and storing several disc shaped data carriers [311-312], wherein said changing gear has two alternate drive outputs [210] and , the first drive output [8] being designed inter alia for the function of adjusting a control member [16] which can be moved further from an extreme position of the first drive output [8] by means of a further drive [e.g, 21] the result that an adjustment member [16-19] carries out a switching-over operation [open/shut the door col. 2 lines 53-58] (see fig 3).

Claim Rejections - 35 U.S.C. § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al, US patent (6,052,356) in view of Lee, US patent (5,313,351) cited by applicant.

Regarding claim 1, Fujimoto et al teach a device [fig 1] for playing and storing several disc-shaped data carriers [14] with changing facility, in particular CDS, CD-ROMs, and DVDs, with a playback [15] unit designed for playing the data carrier [disks] and consisting substantially of a base plate [20], a frame plate [30, fig 6], and springs [13, fig 6] and dampers [120, fig 6] arranged therebetween, a turntable [27, fig 2] arranged on the frame plate [20] and supporting the data carrier [disk], and a tensioning device [16] for the data carrier, with a stacking unit [13] serving for the intermediate storage of several data carriers [14] and a loading unit serving for the bidirectional transport of the data carrier between the stacking unit [13] and the playback unit [15] as well as for moving the data carrier into and out of the device (see figs 1-6).

Fujimoto et al do not teach a changing gear is provided which has two alternate drive outputs, the first drive output being designed inter alia for the function of adjusting a control member which can be moved further from an extreme position of the first drive output by means of a further drive, with a result that an adjustment member carries out a switching-over operation.

Lee teaches a changing gear [fig 1], in particular for a device for playing and storing several disc shaped data carriers [col. 2 lines 29], wherein said changing gear has two alternate drive outputs [8 and 21], the first drive output [8] being designed inter alia for the function of adjusting a control member [16] which can be moved further from an extreme position of the first drive output [8] by means of a further drive [e.g. 21] the

result that an adjustment member [16-19] carries out a switching-over operation [open/shut the door col. 2 lines 53-58).

It would have been obvious to one of ordinary skill in the changer art at the time the invention was made to use the changer gear a changing gear which is provided which has two alternate drive outputs, the first drive output being designed inter alia for the function of adjusting a control member which can be moved further from an extreme position of the first drive output by means of a further drive, with a result that an adjustment member carries out a switching-over operation as taught by Lee et al because it would provide the loading mechanism for loading disks in and out and driving the pick up by a single motor (see Lee et al col. 1 lines 45-50).

Regarding claim 2, Lee teaches a changing wheel [17a] which is rotatably journaled about a drive wheel [19a-b] on a pivoting lever adjustable by means of an adjustment member [17] which is kept in or brought into a first end position by a spring [12], as a result of which the first output side of the changing gear [13] is in engagement (see fig 1).

Regarding claim 3, Lee teaches the spring [12] is constructed as a leg spring whose second leg is supported against a frame [20], whose turn or turns is/are supported on a mandrel [14] of the adjustment member [13], and whose first leg [end of 12] in said first end position is also supported against the adjustment member [13], such that the spring force acts with displacement effect on the adjustment member from the second leg

[other end of 12, fig 4] only, while the adjustment member 13] for the purpose of coupling the second output side of the changing gear by means of a control element [11], which acts on the first leg [end of 12] of the spring [12] and compensates the contact force thereof on the adjustment member [13], changes the balance of forces such that the spring force between the control element [11] and the adjustment member [13] becomes greater than the spring force on towards the second end position until the second end position is reached [shown as fig 4], whereby the movement of the adjustment member [13] is blocked, whereas the first leg [end of 12] of the spring [12] is displaced further by the control element [11] and is thus lifted off the adjustment member at point B [position of 8, as shown in fig 4] (see fig 4).

Regarding claim 4, Lee teaches the coupling region between the first output member [18] and the control member [11] is constructed such that the first output member [21] and the control member [11] movable relative to one another in the direction of movement of the control member [11], and the resulting in clearance space is utilized for coupling and uncoupling the first drive output side [18] (see figs 1 and 4)

The prior art made of record and not relied upon

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Koshino et al, US. Patent (6,370,100).
- b. Takai et al, US patent (4,672,478).


- c. Shiomi et al, US patent (6,044,054).
- d. Yoshimura et al, US patent (5,377,061).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung Nguyen whose telephone number is (703) 305-9695. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900 and fax number is (703) 872-9314.

Dzung Nguyen

4/14/03


DAVID DAVIS
PRIMARY EXAMINER